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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/691,575

10/24/2003

Katsuya Sakaguchi

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6941

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EXAMINER

KIM, WESLEY LEO

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

09/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/691,575	Applicant(s) SAKAGUCHI, KATSUYA	
	Examiner WESLEY L. KIM	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/20/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/7/08 has been entered.

Response to Amendment

This Office Action is in response to Amendment filed 7/7/08.

- Claim 1 is currently amended.
- Claims 2-3 and 5-10 are in their original form.
- Claims 1-3 and 5-10 are pending in the current Office Action.

Response to Arguments

Applicant's arguments with respect to claim 1-3 and 5-10 have been considered but are moot in view of the new ground(s) of rejection.

- Applicant argues that the examiner failed to establish prima facie obviousness in the combination of Applicants Admitted Prior Art (AAPA) with Ariga.

The examiner respectfully disagrees. AAPA teaches that light is emitted vertical to the surface of the circuit board so that light may be mixed in a mixing space before being seen by the user of the portable terminal device (See rejection below). Ariga teaches that it is known in the art that an

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LED may be a side emitting LED, so to a skilled artisan it is obvious that an LED may emit light along the surface of a circuit board as taught by Ariga or vertically as taught by AAPA so long as the light may be mixed in a light mixing space so that the user sees one mixed color as opposed to a plurality of colors in the window section.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3 and 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants Admitted Prior Art (Specification of 10/691575) in view of Ariga et al (U.S. Patent 5486816).

Regarding Claim 1, Applicants Admitted Prior Art (AAPA) teaches, a case (Fig.1B, device has a case); a light mixing space disposed within the case (Fig.1B;12); a printed circuit board (PCB) disposed in the case and forming a first side of said light mixing space (Fig.1B;2 circuit board on one side of light mixing space); a window section formed within a portion of a surface of the case and forming a second side of said light mixing space (Fig.1B;3, the window section is on a second side of the mixing space); and, a light emitting surface (Fig.1B, 11) disposed within the case adjacent to said light mixing space (Fig.1B;11 is adjacent to Fig.1B;12), wherein the light emitting surface emits light in a direction

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vertical to said printed circuit board (Fig.1B; 11, light from an LED is known to emit in all directions, so light will be emitted in a direction along said PCB), however **AAPA does not expressly teach** that the light emitting surface emits light in a direction along said printed circuit board..

Ariga teaches that it is well known in the art that an LED can be a side/surface emitting type (Col.6;17-21). It is obvious that the light emitted from an LED can be substantially directed in a desired direction (i.e. along a printed circuit board) with the use of side emitting LEDs.

Therefore, to one of ordinary skill in the art, it would have been obvious to modify AAPA with Ariga at the time of the invention, such that the light emitting surface emits light in a direction along said printed circuit board, to provide a method where the light may be mixed within a light mixing space of the portable terminal device so that the user sees one mixed color as opposed to a plurality of colors in the window section.

Regarding Claim 2, the Applicants Admitted Prior Art teaches the light-emitting surface is attached to the wiring board (light emitting surface 11 is attached to wiring board 2).

Regarding Claim 3, the Applicant Admitted Prior Art teaches the light mixing space is an oblong space (Fig.1B;12).

Regarding Claim 5, Applicants Admitted Prior Art teaches the light emitting surface emits at least any one of red, green, and blue light beams (Page.2, lines 14-16).

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Regarding Claims 6 and 7, Ariga teaches an LED is a side/surface emitting type (Col.6;17-21), LEDs are well known in the art and Ariga teaches that there are side/surface emitting LEDs.

Regarding Claim 8, Applicants Admitted Prior Art teaches the window section is translucent (Page.3; lines 8-11).

Regarding Claim 9, Applicants Admitted Prior Art teaches the window section is creamy white (Page.2; lines 6-9).

Regarding Claim 10, Applicants Admitted Prior Art teaches the light emitting surface includes a means for emitting light when a call arrives at the portable terminal device (Page.2; lines 12-14).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WESLEY L. KIM whose telephone number is (571)272-7867. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

/Wesley L Kim/
Examiner, Art Unit 2617